

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 30, 1993
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:00 a.m. The meeting was recessed by Mayor Golding at 12:10 p.m. to reconvene at 2:00 p.m. The meeting was reconvened by Mayor Golding at 2:08 p.m. with Council Members Wolfsheimer and Roberts not present. Mayor Golding recessed the meeting at 3:38 p.m. to convene the Redevelopment Agency and the San Diego Housing Authority. Mayor Golding reconvened the regular meeting at 4:09 p.m. with Council Member Wolfsheimer not present. Mayor Golding adjourned the meeting at 7:11 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Wolfsheimer-not present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Stevens-present
 - (5) Council Member Behr-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (mc/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

ITEM-CC-5:

Comments by the City Manager recognizing Norm Stamper for a job well done and wishing him well in his new endeavors as Police Chief of the City of Seattle.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E147-162.)

ITEM-128:

SUBJECT: Renewal and Purchase of Excess Public Liability Insurance.
(See City Manager Report CMR-93-330.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-791) ADOPTED AS RESOLUTION R-283090

Authorizing an agreement through the City's broker of record, Marsh and McLennan, Inc., to renew the City's policy of Excess Public Liability Insurance beginning December 11, 1993, for the third year of a three-year insurance policy ending December 11, 1994;

Authorizing the expenditure of not to exceed \$1,836,960 from Public Liability Reserve Fund 81140, Water Utilities Water Fund 41500, and Sewer Revenue Fund 41506;

Authorizing the expenditure of an additional amount to finance the \$1,836,960 based upon the City Treasurer's ability to obtain a more favorable investment interest rate.

Aud. Cert. 9400537.

FILE LOCATION: MEET CONFY94-1

COUNCIL ACTION: (Tape location: A130-372.)

MOTION BY ROBERTS TO ADOPT AND TO DIRECT THE CITY MANAGER TO INVESTIGATE THE COMMENT MADE BY A BROKER OF MARSH AND MCLENNAN, INC. TO CURTIS MORING SR. AND CURTIS MORING JR. REGARDING WORKING WITH AFRICAN AMERICANS. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Five actions related to Miramar Ranch North Community Facilities District No. 1. (District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-834) ADOPTED AS RESOLUTION R-283091

Making certain preliminary findings, passing upon protests and approving amended "report."

Subitem-B: (R-94-835) ADOPTED AS RESOLUTION R-283092

Ordering certain alterations to types of authorized Public Facilities and the existing rate and method of apportionment of the Special Tax, reduction of the authorized bonded indebtedness and submission of a proposal to the qualified electors.

Subitem-C: (R-94-836) ADOPTED AS RESOLUTION R-283093

Declaring the results of a "Mello-Roos Community Facilities Act of 1982" Special Election.

Subitem-D: (R-94-837) ADOPTED AS RESOLUTION R-283094

Approving a First Supplemental Bond Indenture and a second amendment to Acquisition and Funding Agreement.

Subitem-E: (O-94-50) INTRODUCED, TO BE ADOPTED JANUARY 3, 1994

Introduction of an Ordinance authorizing levy of Special Taxes as amended and repealing Ordinance No. O-17588.

FILE LOCATION: STRT CF-1 CONFY94-1

COUNCIL ACTION: (Tape location: A372-B116; B270-307.)

Hearing began at 10:27 a.m. and recessed at 10:49 a.m.

Testimony in favor by Jim Dawe.

Hearing resumed at 11:00 a.m. and halted at 11:03 a.m.

MOTION BY BEHR TO ADOPT THE RESOLUTION MAKING PRELIMINARY FINDINGS AND PASSING UPON PROTESTS AND TO ADOPT THE RESOLUTION ORDERING CERTAIN ALTERATIONS TO TYPES OF AUTHORIZED PUBLIC FACILITIES AND THE EXISTING RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX, REDUCTION OF THE AUTHORIZED BONDED INDEBTEDNESS AND SUBMISSION OF PROPOSITION

TO THE QUALIFIED ELECTIONS. ACCEPT COUNCIL MEMBER STALLINGS REQUEST TO ADD TO THE MOTION THAT THESE ACTIONS ARE NOT TO BE CONSIDERED AS SETTING ANY PRECEDENT FOR ANY OTHER TYPE OF RESTRUCTURE OR REFINANCING IN THE FUTURE. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

City Clerk Abdelnour conducted the election within the Community Facilities District, canvassed the ballots and announced the vote as follows: Votes in favor: 1,065. Votes in opposition: 0.

MOTION BY BEHR TO ADOPT THE RESOLUTION DECLARING RESULTS OF ELECTION. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY BEHR TO ADOPT THE RESOLUTION APPROVING FIRST SUPPLEMENTAL BOND INDENTURE AND SECOND AMENDMENT TO ACQUISITION AND FINANCING AGREEMENT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY BEHR TO INTRODUCE AND WAIVE THE FIRST READING OF ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES AS AMENDED. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO DECEMBER 7, 1993

SUBJECT: Three actions related to Rose Canyon Trunk Sewer - Condemnation. (See City Manager Report CMR-93-329. University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-731)

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the construction, operation, and maintenance of the Rose Canyon Trunk Sewer to provide additional sewer capacity and relief for the existing lines, and to enable the City to provide for ultimate sewage conveyance needs for the developing North City communities of Los Penasquitos, Del Mar, Mira Mesa, Miramar, University City, City of Poway, and the coastal communities in the City of San Diego; Declaring that the Rose Canyon Trunk Sewer will require the acquisition of permanent sewer easements, temporary construction easements, and temporary access easements over, under, along and across portions of real property located in Pueblo Lot 1307 of the Pueblo Lands, and that the public interest, convenience and necessity demand the acquisitions; Declaring the intention of the City to acquire the easements under eminent domain proceedings;

Directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California for the purpose of condemning and acquiring the easements.

Subitem-B: (R-94-754)

Authorizing the transfer of an amount not to exceed \$134,000 within Sewer Revenue Fund 41506 from Annual Allocation - Sewer Main Replacement, CIP-44-001.0 to Rose Canyon Trunk Sewer, CIP-46-111.0;

Authorizing the expenditure of an amount not to exceed \$300,000 from Sewer Revenue Fund 41506, Org. 281, Object Account 4639, Job Order 171189 (CIP-46-111.0, Rose Canyon Trunk Sewer) for costs related to condemnation of sewer easements in connection with the Rose Canyon Trunk Sewer.

Subitem-C: (R-94-786)

Stating for the record that the City Council has

reviewed the information contained in the final Environmental Impact Report DEP-89-0876, including any comments received during the public review process, in connection with the Rose Canyon Trunk Sewer condemnation;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement changes to the project in order to mitigate or avoid significant effects on the environment.

Aud. Cert. 9301126.

WU-PR-93-130.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A066-124.)

CONSENT MOTION BY McCARTY TO CONTINUE TO DECEMBER 7, 1993 AT THE REQUEST OF THE PROPERTY OWNERS SO THAT THEIR ATTORNEY CAN BE PRESENT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: CONTINUED TO DECEMBER 7, 1993, 10:00 A.M.

NOTE: This item is to be continued to December 7, 1993 at 10:00 a.m. due to noticing requirements.

SUBJECT: Two actions related to approval of a Marina Planned District Ordinance Amendment for The Brickyard. (See Centre City Development Corporation Report dated 11/12/93.

Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Continue the following items to 12/7/93 at 10:00 a.m.:

Subitem-A: (O-94-49)

Introduction of an Ordinance amending Chapter X,

Article 3, Division 20, of the San Diego Municipal Code by amending Section 103.2011 relating to the Marina Planned District Ordinance.

Subitem-B: (R-94-796)

Certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Development Project and the Secondary Study with respect to a proposed amendment to the land use mix ratio for the Marina Planned District Ordinance for The Brickyard, a mixed-use commercial/residential project located in the Marina Sub Area of the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of November 30, 1993 for a companion item.

FILE LOCATION: LAND - Marina Planned District Ordinance

COUNCIL ACTION: (Tape location: A066-124.)

CONSENT MOTION BY McCARTY TO CONTINUE TO DECEMBER 7, 1993 AT 10:00 A.M. AT THE REQUEST OF THE CITY MANAGER FOR PROPER NOTICING. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: College Community Redevelopment Project.
(College Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 11/16/93 (Council voted 6-1. District 1 voted nay. Districts 4 and 5 not present):

(O-94-10) ADOPTED AS ORDINANCE O-18018 (New Series)

Approving and adopting the Redevelopment Plan for the College Community Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A041-058.)

MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Feasibility Analysis for the San Diego Entertainment and Sports Center.

(See City Manager Report CMR-93-335. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-815) ADOPTED AS RESOLUTION R-283095

Adopting the L Street Corridor as the preferred location for the proposed Entertainment and Sports Center, with the boundaries of the L Street Corridor being set out in the Report to City Council; Directing the City Manager, the Centre City Development Corporation (CCDC) and Arena Group 2000 to proceed with the development of a Preliminary Master Plan that will recommend a specific project site and address detailed planning, engineering and relocation issues, neighborhood impacts, methods of financing, the disposition of the existing Midway Sports Arena, and acquisition of National Basketball Association and National Hockey League Franchises;

Authorizing the City Manager and CCDC to negotiate with Arena Group 2000 for a financing plan for the proposed downtown Entertainment and Sports Center and return in

ninety days.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B120-269; B308-C060.)

Hearing began at 10:49 a.m. and recessed at 10:59 a.m.

Testimony in favor by Ron Hahn.

Hearing resumed at 11:04 a.m. and halted at 11:24 a.m.

Testimony in favor by C. Samuel Marasco, David Nuffer, Leslie Wade, Bob Sinclair, Mark Fehlman and Jim Marinos.

MOTION BY ROBERTS TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Approval of the Southeast Economic Development Corporation's Name Change.

(See SEDC memorandum dated for the agenda of 11/30/93.)

SOUTHEAST ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-94-286) ADOPTED AS RESOLUTION R-283096

Approving the name change of the Southeast Economic Development Corporation to the Southeastern Economic Development Corporation; Requesting legal counsel to the Southeastern Economic Development Corporation to work with the City Attorney to ensure that the Articles of Incorporation and the By Laws be amended to reflect the name change.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A066-124.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens.
Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

(R-94-826) ADOPTED AS RESOLUTION R-283097

Proposed modification to the Memorandum of Understanding
with AFSCME, Local 127.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A067-124.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens.
Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-
yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

ITEM-337:

SUBJECT: Fiscal Year 1993/1994 Inclement Weather Shelter.
(See City Manager Report CMR-93-336.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-852 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-
283100

Authorizing the City Manager to implement a seasonal
weather shelter for ninety consecutive days at the
Balboa Park Municipal Gym in accordance with the
recommendations contained in City Manager Report CMR-
93-336.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C061-D131; E163-F204.)

Motion by Hartley to adopt the City Manager's recommendation of using the Balboa Park Municipal Gym for the Cold Weather Program for 90 days; sign a contract with St. Vincent de Paul; and refer all other issues to the Homeless Advisory Committee to come back to Council within 30 days with recommendations. Second by Stallings. No vote.

SUBSTITUTE MOTION BY ROBERTS TO ADOPT THE CITY MANAGER'S RECOMMENDATIONS AS AMENDED, CONTINUING THE EXISTING PROGRAM ON PRESIDENT'S WAY UNTIL JANUARY 1, 1994, AND TO MERGE THE FEEDING PROGRAMS INTO ONE PROGRAM AFTER THAT DATE, AND TO SIMULTANEOUSLY WORK ON A LONGER RANGE SOLUTION TO ADDRESS CONCERNS WITH RESPECT TO ALTERNATIVE SITES. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Comprehensive Homeless Policy.
(See Legislative Specialist Analyses PSS-93-17, PSS-93-6; City Manager Report CMR-93-265; memo from CCDC dated 9/7/93.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-478) RETURNED TO CITY MANAGER

Establishing Council Policy No. 000-04 regarding a Comprehensive Homeless Policy.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F230-G137.)

MOTION BY McCARTY TO RETURN THE ITEM TO THE CITY MANAGER, AS RECOMMENDED BY MAYOR GOLDING, TO PROVIDE MORE SPECIFICS IN THE POLICY. COUNCIL MEMBERS ARE TO COMMUNICATE TO THE CITY

MANAGER, IN WRITING, COUNCIL'S CONCERNS ABOUT SPECIFIC INSTANCES IN THE POLICY THAT NEED TO BE ADDRESSED SO THAT THE ITEM CAN BE RETURNED TO COMMITTEE WITHIN 60 DAYS.

Second by Stevens. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: PRESENTED

A special presentation by Mayor Susan Golding to outgoing Councilmembers Abbe Wolfsheimer, John Hartley, and Deputy Mayor Tom Behr.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E051-146.)

ITEM-340:

SUBJECT: Smoking Ordinance Task Force Recommendations.

(See City Manager Report CMR-93-298.)

(Continued from the meeting of October 25, 1993, Item 204, at Councilmember Roberts' request, for full Council.)

(R-93-1806) ADOPTED AS AMENDED AS RESOLUTION R-283101

Adoption of a Resolution directing the City Manager to prepare the amendments to the City's Smoking Ordinance in accordance with changes approved by the City Council.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution and approve the recommendations of the Smoking Ordinance Task Force regarding "Workplaces" and "Penalties." Select from the options presented by the Task Force for "Restaurants," "Bars," and "Cigarette Vending Machines."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H038-K191.)

Substitute Motion by Behr to adopt the recommendation of the work places being smoke free not including restaurants and bars. Adopt the penalty provisions, to phase in the smoking ban for the first two years: 70 percent on July 1, 1994, 80 percent on July 1, 1995, as recommended by Mayor Golding; and in 1996, conduct an economic impact report prepared by an independent party, one that models, on a voluntary basis, the Restaurant Association. Then, let the Council, using that information, decide whether to go forward or not with the 100 percent smoke-free ban. To allow the physically separated bars to continue the status-quo exemption, and that vending machines be located where minors are not allowed. Second by Roberts. Failed. Yea:2,4,5,7. Nay: 3,6,8,M. Not present: 1.

MOTION BY STALLINGS TO ACCEPT THE SMOKING ORDINANCE TASK FORCE RECOMMENDATIONS: ADOPT ITEM I, THAT THE WORKPLACES WILL BE SMOKE FREE. ACCEPT BEHR'S AMENDMENT TO THE WORKPLACES PORTION AS RELATES TO VENTILATION REGARDING THE PERMITTING PROCESS TO BE ADOPTED AS PART OF ITEM I. ADOPT ITEM II, PENALTIES, THE RECOMMENDATION OF THE TASK FORCE REGARDING FINES. ADOPT ITEM IV, BARS. FOR BARS THAT ARE PHYSICALLY SEPARATED FROM RESTAURANTS, SELECT OPTION 1, CONTINUE THE STATUS-QUO EXEMPTION UNTIL A STATE-WIDE BAN IS MANDATED. ACCEPT HARTLEY'S AMENDMENT TO THE MOTION TO ADOPT ITEM V, OPTION 1, BANNING ALL CIGARETTE VENDING MACHINES. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Motion by Stallings to recommend Item III, Restaurants, Option 1. Provide exemption process so those restaurants that can justify that they have lost income can be exempted. Second by Hartley. No vote. Amended motion by Stallings to accept Mayor Golding's recommendation to change the phase-in dates to 70 percent by July 1, 1994; 80 percent by July 1, 1995; and 100 percent by January 1997 with the understanding that if State legislation passes, State law would supersede. Failed. Yea: 3,4,6,M. Nay: 2,5,7,8. Not present: 1.

Motion by Vargas to adopt Item III, Restaurants, phase-in dates as amended: to go to 70 percent in July 1994, 80 percent in July 1995, in 1997, allow the State first to preempt the field, if they do not, then go to 100 percent. Second by Hartley. Failed. Yea: 3,6,8,M. Nay:2,4,5,7. Not present: 1

MOTION BY McCARTY TO ADOPT AS AMENDED ITEM III, RESTAURANTS, OPTION 1: TO APPROVE THE PHASE-IN DATES OF 70 PERCENT ON JULY 1, 1994, 80 PERCENT ON JULY 1, 1995, AND RETURN TO LOOK AT THIS ISSUE IN 1996 TO SEE WHETHER OR NOT WE WANT TO GO 100 PERCENT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-341:

SUBJECT: House of Charm Tenancy and matters related to the Municipal Gymnasium.

(See City Manager Report CMR-93-348. Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-881) CONTINUED TO JANUARY 3, 1994

Directing the City Manager and the City Attorney to return to Council with any necessary documents to finalize the decision on the tenancy of the House of Charm in Balboa Park, and the matters related to the Municipal Gymnasium.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: K196-L244.)

Motion by Behr to adopt as amended: 1. rescind the prior action on the construction of a new Municipal Gym. 2. Direct the Manager and CCDC to report back to Council in 90 days (to be docketed concurrently with the new Sports Arena financing plan) with a specific plan, including costs,

regarding: (a) siting the Hall of Champions in the House of Charm; (b) siting the Children's Museum in a downtown location (not necessarily their current site); (c) siting the San Diego Institute of Art either in Balboa Park or downtown; (d) siting the Old Globe Theater rehearsal space in the House of Charm; (e) rehabilitating both the Federal Building and the current Municipal Gym with current users of both facilities to remain; (f) building a new municipal gym at a location other than Balboa Park or 12th and C Streets. 3. Direct the Manager to report back to Council in 90 days on possible alternative sites for the current users of the Federal and Municipal Gym. 4. Direct the Manager and CCDC to report back to Council in 90 days on the feasibility of locating the Mingei International Museum in the Federal Building when and if it becomes available, or in a downtown location. Second by Roberts. No vote.

Substitute motion by McCarty to adopt as amended, as recommended by Mayor Golding, placing the Mingei International Museum in the House of Charm and the Hall of Champions in the Federal Building and direct the City Manager to return to Council with a report on how to best distribute to other appropriate locations those activities currently utilizing the Federal Building, and direct the CCDC to assist the Children's Museum in finding a permanent downtown location. Rescind the prior Council action on the construction of a new Municipal Gymnasium. Second by Vargas. No vote.

Amendment to Substitute Motion by Roberts to rescind the action on the construction of the Municipal Gym. Direct staff to continue to work with the Hall of Champions and Mingei until they can complete these preliminary studies and bring back that information in a timely period. No Second.

MOTION BY VARGAS TO CONTINUE THE ITEM TO JANUARY 3, 1994, FOR FULL COUNCIL. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-nay, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-94-0842) ADOPTED AS RESOLUTION R-283098

A Resolution adopted by the City Council in Closed Session on November 30, 1993:

Authorizing the City Manager to pay the sum of \$68,478.85 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from the property damage claim of Ann Clarkin; authorizing the City Auditor and Comptroller to issue one check in the amount of \$68,478.85, made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud. Cert. 9400553

FILE LOCATION: MEET

ITEM-CS-2: (R-94-0805) ADOPTED AS RESOLUTION R-283099

A Resolution adopted by the City Council in Closed Session on November 30, 1993:

Authorizing the City Manager to pay up to but not exceeding \$300,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from the property damage claims of Pedro Fragusto, et al; authorizing the City Auditor and Comptroller to issue multiple checks, in varying amounts, to cover the outstanding restoration costs.

Aud. Cert. 9400523

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:11 p.m. in honor of the memory of Mark B. Thornton.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: L246).